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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,570	05/20/2004	Bobby L. Williamson	005242.00132	6572

22907 7590 01/18/2007

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EXAMINER	
YAO, SAMCHUAN CUA	
ART UNIT	PAPER NUMBER
1733	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/849,570	WILLIAMSON ET AL.	
	Examiner	Art Unit	
	Sam Chuan C. Yao	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *10 and 13-20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11 and 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whittenmore (US 5,106,697) in view of Baxter (US 4,915,766) **or** vice versa for reasons of record set forth in a prior office action dated 09-25-06 in numbered paragraph 3.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references set forth in number paragraph 2 as applied to claim 2 above, and optionally further in view of Detlefsen (US 5,057,591) for reasons of record set forth in a prior office action dated 09-25-06 in numbered paragraph 4.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references set forth in numbered paragraph 2 as applied to claim 1 above, and further in view of Walser (US 5,234,747) or Park et al (US 6,569,279) for reasons of record set forth in a prior office action dated 09-25-06 in numbered paragraph 5.

Response to Arguments

5. Applicant's arguments filed on 01-09-07 have been fully considered but they are not persuasive.

With respect to Counsel's argument on page 6 regarding dependent claim 10 being part of the elected species, contrary to what Counsel is now asserting, in a response to a written restriction requirement dated 08-21-06, last line on page 2, Counsel specifically stated that: "It is believed that claims 1-9, 11, and 12 of Subgroup IA read on this elected species." (emphasis added). In any event and equally important, even if dependent claim 10 is rejoined, this would not change the status of the present application, because this claim would have been rejected as being obvious in the art. As has been admitted by Applicant in numbered paragraph 39, a curtain coating operation is a conventional way for applying an adhesive onto a surface of a wood veneer. Nieckarz et al (US 6,132,549) is cited as further evidence to show that a curtain coating method for applying an adhesive onto a veneer surface is conventional and well known in the art (col. 7 line 56 to col. 8 line 14). Additionally, it is a common practice in the art to sequentially apply an adhesive and a cure promoter onto a surface of a wood veneer in order to prevent the adhesive from prematurely curing. Moreover, spraying is an art recognized effective way for applying a cure promoter/catalyst. With respect to Counsel's arguments regarding the rejection of claims over the combination of the Whittenmore and Baxter patents, Counsel's arguments basically made the following argument: both the Whittenmore and Baxter patents are directed to making plywood comprising high moisture content veneers, while the instant invention is directed to a making an *"**LVL** from a plurality of veneers having a **low moisture content**."* (bold-face in original; pages 7-8). At the outset,

a passage on page 7 numbered paragraph 17 of Applicant's own specification specifically discloses that *"In another preferred embodiment, the method comprises applying an adhesive according to any of the first, second, or third embodiments, and preferably an adhesive according to the third embodiment, to a mating surface of at least one of the wood veneers and at least one of the veneers has a moisture content of greater than about 15% by weight or the plurality of wood veneers has an average moisture content of greater than about 10% by weight."* (emphasis added). Also see claim 18 of the present invention. In any event and more importantly, Applicant's arguments do not change the fact that, claim 1 as presently recited requires the average moisture content of veneers to be less than about 10% by weight. This claimed moisture content range overlaps significantly "an average moisture content of greater than about 7% [by weight] ... Usually, veneer average moisture content is targeted for about 5% up to about 10%" (terms and emphasis added; abstract; col. 6 lines 40-49; col. 8 lines 10-18; example 3) suggested by Whittenmore. In fact, the moisture content disclosed in the Whittenmore patent also overlaps a moisture content range of 3-7% by weight which is recited in dependent claim 3. Additionally, Whittenmore indicated that it is conventional in the art to manufacture LVL from "veneers having less than about 5% moisture ..." (col. 2 lines 29-41). Furthermore, Baxter also teaches using wood veneers having an overall moisture content of greater than about 7% by weight (col. 2 line 65 to col.

3 line 5). Baxter further teaches that a conventionally manufactured LVL uses veneers having moisture content of less than 5% by weight (col. 2 lines 54-57).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richard Crispino can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

Scy
01-09-07